

CODE OF LAWS OF SOUTH CAROLINA 1976

Updated January 18, 2000 with the 1999 Acts.

§ SECTION 1-11-220. Division of Motor Vehicle Management; Fleet Management Program.

There is hereby established within the Budget and Control Board the Division of Motor Vehicle Management headed by a Director, hereafter referred to as the "State Fleet Manager", appointed by and reporting directly to the Budget and Control Board, hereafter referred to as the Board. The Board shall develop a comprehensive state Fleet Management Program. The program shall address acquisition, assignment, identification, replacement, disposal, maintenance, and operation of motor vehicles.

The Budget and Control Board shall, through their policies and regulations, seek to achieve the following objectives:

- (a) to achieve maximum cost-effectiveness management of state-owned motor vehicles in support of the established missions and objectives of the agencies, boards, and commissions.
- (b) to eliminate unofficial and unauthorized use of state vehicles.
- (c) to minimize individual assignment of state vehicles.
- (d) to eliminate the reimbursable use of personal vehicles for accomplishment of official travel when this use is more costly than use of state vehicles.
- (e) to acquire motor vehicles offering optimum energy efficiency for the tasks to be performed.
- (f) to insure motor vehicles are operated in a safe manner in accordance with a statewide Fleet Safety Program.

HISTORY: 1978 Act No. 644 Part II SECTION 24(A); 1982 Act No. 429, SECTION 1.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-600 et seq.

§ SECTION 1-11-230. Division of Motor Vehicle Management; Motor Vehicle Management Council.

In order to develop proposed regulations for a comprehensive Motor Vehicle Management System, to act in an advisory capacity concerning the operations of the Division of Motor Vehicle Management, and to hear appeals against the enforcement of regulations promulgated by the Budget and Control Board pursuant to SECTIONS 1-11-220 through 1-11-330, there is hereby established a Motor Vehicle Management Council consisting of three members appointed by the Budget and Control Board, with the advice and consent of the Senate. Members shall serve terms of four years, except that of those first appointed, one shall serve two years, one shall serve three years, and one for a full term. Members shall be from the private sector and possess expertise in the field of motor vehicle management. In the event of a vacancy on the Council by reason of death, resignation, removal for cause or any other reason, the vacancy shall be filled in

the manner of the original appointment for the unexpired term. Two members, present and voting, shall constitute a quorum for the conducting of Council business. Council members will meet not less than quarterly, and shall be allowed the regular per diem, mileage, and subsistence as provided by law for members of state boards and commissions.

HISTORY: 1978 Act No. 644 Part II SECTION 24(B); 1982 Act No. 429, SECTION 2.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-240. Division of Motor Vehicle Management; duties of Council; hearing procedure

The duties of the Council shall consist of the following:

- (a) To recommend to the Board those persons it finds qualified to act as State Fleet Manager. The Fleet Manager shall be chosen by, and shall serve the Board.
- (b) To study, and make recommendations to the Board concerning the methods and procedures necessary to achieve the objectives specified in paragraph (A).
- (c) To act as a hearing board, for the purpose of hearing and ruling on all disputes, complaints and any other grievances lodged against the promulgation, implementation and enforcement of regulations developed pursuant to this SECTIONS 1-11-220 to 1-11-330.

The Council is authorized to establish a hearing procedure whereby complaints lodged against the promulgation, implementation and enforcement of regulations developed under this SECTIONS 1-11-220 to 1-11-330 are disposed of in an equitable fashion.

The procedure shall provide that all grievances be submitted directly to the council, and be disposed of with or without a hearing, at the Council's discretion. The procedure shall further provide that all complaints shall be acted upon within forty-five days, and that all decisions and findings will be reported to the affected parties within twenty days of the date complaints are considered by the Council.

The procedure shall also provide that all decisions of the Council shall be appealable to the Board within ten days of notification of a final decision or finding. The Board shall act on an appeal within forty-five days of its filing, and shall conduct such action by means of a review of the case record developed by the Council, and shall, in extra-ordinary cases only, provide the party filing the complaint with a hearing de novo. The Board shall report its decision within thirty days of its consideration of the appeal.

HISTORY: 1978 Act No. 644 Part II SECTION 24(C).

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-250. Division of Motor Vehicle Management; definitions.

For purposes of SECTIONS 1-11-220 to 1-11-330:

- (a) "State agency" shall mean all officers, departments, boards, commissions, institutions, universities, colleges and all persons and administrative units of state government that operate motor vehicles purchased, leased or otherwise held with the use of state funds, pursuant to an appropriation, grant or encumbrance of state funds, or operated pursuant to authority granted by the State.

(b) “Board” shall mean State Budget and Control Board.

(c) “Council” shall mean the Motor Vehicle Management Council as established in SECTION 1-11-230.

HISTORY: 1978 Act No. 644 Part II SECTION 24(D).At the direction of the Code Commissioner, this section has been reprinted to correct a typographical error.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-260. Division of Motor Vehicle Management; annual reports; policies, procedures and regulations.

The Fleet Manager and the Council shall report annually to the Budget and Control Board and the General Assembly concerning the performance of each state agency in achieving the objectives enumerated in SECTIONS 1-11-220 through 1-11-330 and include in the report a summary of the Division’s efforts in aiding and assisting the various state agencies in developing and maintaining their management practices in accordance with the comprehensive statewide Motor Vehicle Management program. This report shall also contain any recommended changes in the law and regulations necessary to achieve these objectives.

The Board, after consultation with state agency heads, shall promulgate and enforce state policies, procedures, and regulations to achieve the goals of SECTIONS 1-11-220 through 1-11-330 and shall recommend administrative penalties to be used by the agencies for violation of prescribed procedures and regulations relating to the Fleet Management Program.

HISTORY: 1978 Act No. 644 Part II SECTION 24(E); 1982 Act No. 429, SECTION 3.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-270. Division of Motor Vehicle Management; establishment of criteria for individual assignment of motor vehicles.

(A) The board shall establish criteria for individual assignment of motor vehicles based on the functional requirements of the job, which shall reduce the assignment to situations clearly beneficial to the State. Only the Governor, statewide elected officials, and agency heads are provided a state-owned vehicle based on their position.

(B) Law enforcement officers, as defined by the agency head, may be permanently assigned state-owned vehicles by their respective agency head. Agency heads may assign a state-owned vehicle to an employee when the vehicle carries or is equipped with special equipment needed to perform duties directly related to the employee’s job, and the employee is either in an emergency response capacity after normal working hours or for logistical reasons it is determined to be in the agency’s interest for the vehicle to remain with the employee. No other employee may be permanently assigned to a state-owned vehicle, unless the assignment is cost advantageous to the State under guidelines developed by the State Fleet Manager. Statewide elected officials, law enforcement officers, and those employees who have been assigned vehicles because they are in an emergency response capacity after normal working hours are exempt from reimbursing the State for commuting miles. Other employees operating a permanently assigned vehicle must reimburse the State for commuting between home and work.

(C) All persons, except the Governor and statewide elected officials, permanently assigned with automobiles shall log all trips on a log form approved by the board, specifying beginning and ending mileage and job function performed. However, trip logs must not be maintained for vehicles whose gross vehicle weight is greater than ten thousand pounds nor for vehicles assigned to full-time line law enforcement officers. Agency directors and commissioners permanently assigned state vehicles may utilize exceptions on a report denoting only official and commuting mileage in lieu of the aforementioned trip logs.

HISTORY: 1978 Act No. 644 Part II SECTION 24(F); 1982 Act No. 429, SECTION 4.

HISTORY: 1995 Act No. 145, Part II, SECTION 18, effective June 29, 1995.

EFFECT OF AMENDMENT: The 1995 amendment defined the conditions for which a state-owned vehicle may be assigned to state employees.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-280. Division of Motor Vehicle Management; interagency motor pools.

The Board shall develop a system of agency-managed and interagency motor pools which are, to the maximum extent possible, cost beneficial to the State. All motor pools shall operate according to regulations promulgated by the Budget and Control Board. Vehicles shall be placed in motor pools rather than being individually assigned except as specifically authorized by the Board in accordance with criteria established by the Board. The motor pool operated by the Division of General Services shall be transferred to the Division of Motor Vehicle Management. Agencies utilizing motor pool vehicles shall utilize trip log forms approved by the Board for each trip, specifying beginning and ending mileage and the job function performed.

The provisions of this section shall not apply to school buses and service vehicles.

HISTORY: 1978 Act No. 644 Part II SECTION 24(G); 1982 Act No. 429, SECTION 5.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-290. Division of Motor Vehicle Management; plan for maximally cost-effective vehicle maintenance.

The Board in consultation with the agencies operating maintenance facilities shall study the cost-effectiveness of such facilities versus commercial alternatives and shall develop a plan for maximally cost-effective vehicle maintenance. The Budget and Control Board shall promulgate rules and regulations governing vehicle maintenance to effectuate the plan.

The State Vehicle Maintenance program shall include:

- (a) central purchasing of supplies and parts;
- (b) an effective inventory control system;
- (c) a uniform work order and record-keeping system assigning actual maintenance cost to each vehicle; and
- (d) preventive maintenance programs for all types of vehicles.

All motor fuels shall be purchased from state facilities except in cases where such purchase is impossible or not cost beneficial to the State.

All fuels, lubricants, parts and maintenance costs including those purchased from commercial vendors shall be charged to a state credit card bearing the license plate number of the vehicle serviced and the bill shall include the mileage on the odometer of the vehicle at the time of service.

HISTORY: 1978 Act No. 644 Part II SECTION 24(H).

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-300. Agencies to develop and implement uniform cost accounting and reporting system; purchase of motor vehicle equipment and supplies; use of credit cards; determination of vehicle cost per mile.

In accordance with criteria established by the board, each agency shall develop and implement a uniform cost accounting and reporting system to ascertain the cost per mile of each motor vehicle used by the State under their control. Agencies presently operating under existing systems may continue to do so provided that board approval shall be required and that the existing systems shall be uniform with the criteria established by the board. All expenditures on a vehicle for gasoline and oil shall be purchased in one of the following ways:

- (1) from state-owned facilities and paid for by the use of Universal State Credit Cards except where agencies purchase these products in bulk;
- (2) from any fuel outlet where gasoline and oil are sold regardless of whether the outlet accepts a credit or charge card when the purchase is necessary or in the best interest of the State; and
- (3) from a fuel outlet where gasoline and oil are sold when that outlet agrees to accept the Universal State Credit Card.

These provisions regarding purchase of gasoline and oil and usability of the state credit card also apply to alternative transportation fuels where available. The Budget and Control Board Division of Operations shall adjust the appropriation in Part IA, Section 63B, for "Operating Expenses — Lease Fleet" to reflect the dollar savings realized by these provisions and transfer such amount to other areas of the State Fleet Management Program. The Board shall promulgate regulations regarding the purchase of motor vehicle equipment and supplies to ensure that agencies within a reasonable distance are not duplicating maintenance services or purchasing equipment that is not in the best interest of the State. The Board shall develop a uniform method to be used by the agencies to determine the cost per mile for each vehicle operated by the State.

HISTORY: 1978 Act No. 644 Part II SECTION 24(I); 1982 Act No. 429, SECTION 6.

HISTORY: Amended by 1998 Act No. 419, Part II, SECTION 30, effective June 30, 1998.

EFFECT OF AMENDMENT: The 1998 amendment rewrote this section.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-310. Division of Motor Vehicle Management; acquisition and disposition of vehicles; titles.

(A) The State Budget and Control Board shall purchase, acquire, transfer, replace, and dispose of all motor vehicles on the basis of maximum cost-effectiveness and lowest anticipated total life cycle costs.

(B) The standard state fleet sedan or station wagon must be no larger than a compact model and the special state fleet sedan or station wagon must be no larger than an intermediate model. The director of the Division of Motor Vehicle Management shall determine the types of vehicles which fit into these classes. Only these classes of sedans and station wagons may be purchased by the State for nonlaw enforcement use.

(C) The State shall purchase police sedans only for the use of law enforcement officers, as defined by the Internal Revenue Code. Purchase of a vehicle under this subsection must be concurred in by the director of the Division of Motor Vehicle Management and must be in accordance with regulations promulgated or procedures adopted under Sections 1-11-220 through 1-11-340 which must take into consideration the agency's mission, the intended use of the vehicle, and the officer's duties. Law enforcement agency vehicles used by employees whose job functions do not meet the Internal Revenue Service definition of "Law Enforcement Officer" must be standard or special state fleet sedans.

(D) All state motor vehicles must be titled to the State and must be received by and remain in the possession of the Division of Motor Vehicle Management pending sale or disposal of the vehicle.

(E) Titles to school buses and service vehicles operated by the State Department of Education and vehicles operated by the South Carolina Department of Transportation must be retained by those agencies.

(F) Exceptions to requirements in subsections (B) and (C) must be approved by the director of the Division of Motor Vehicle Management. Requirements in subsection (B) do not apply to the State Development Board.

(G) Preference in purchasing state motor vehicles must be given to vehicles assembled in the United States with at least seventy-five percent domestic content as determined by the appropriate federal agency.

HISTORY: 1978 Act No. 644 Part II SECTION 24(J).

HISTORY: 1992 Act No. 449, Part V SECTION 2, effective July 1, 1992; 1996 Act No. 459, SECTION 2, effective June 5, 1996.

EFFECT OF AMENDMENT: The 1992 amendment added subsections (B), (C), (F), and (G) and designated former provisions as subsections (A), (D) and (E), with minor changes. The 1996 amendment in subsection (E) deleted "Highways and Public" preceding "Transportation".

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-315. Feasibility of using alternative transportation fuels for state fleet.

The State Budget and Control Board Division of Motor Vehicle Management shall determine the extent to which the state vehicle fleet can be configured to operate on alternative transportation fuels. This determination must be based on a thorough evaluation of each alternative fuel and

the feasibility of using such fuels to power state vehicles. The state fleet must be configured in a manner that will serve as a model for other corporate and government fleets in the use of alternative transportation fuel. By March 1, 1993, the Division of Motor Vehicle Management must submit a plan to the General Assembly for the use of alternative transportation fuels for the state vehicle fleet that will enable the state vehicle fleet to serve as a model for corporate and other government fleets in the use of alternative transportation fuel. This plan must contain a cost/benefit analysis of the proposed changes.

HISTORY: 1992 Act No. 449, Pt. V, SECTION 17, effective July 1, 1992.

§ SECTION 1-11-320. Division of Motor Vehicle Management; plates and other identification requirements; exemptions.

The Board shall ensure that all state-owned motor vehicles are identified as such through the use of permanent state-government license plates and either state or agency seal decals. No vehicles shall be exempt from the requirements for identification except those exempted by the Board.

This section shall not apply to vehicles supplied to law enforcement officers when, in the opinion of the Board after consulting with the Chief of the State Law Enforcement Division, those officers are actually involved in undercover law enforcement work to the extent that the actual investigation of criminal cases or the investigators' physical well-being would be jeopardized if they were identified. The Board is authorized to exempt vehicles carrying human service agency clients in those instances in which the privacy of the client would clearly and necessarily be impaired.

HISTORY: 1978 Act No. 644 Part II SECTION 24(K); 1982 Act No. 429 SECTION 7.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-330. Division of Motor Vehicle Management; State Department of Education vehicles exempted.

The provisions of SECTIONS 1-11-220 to 1-11-330 shall not apply to school buses and service vehicles operated by the State Department of Education.

HISTORY: 1978 Act No. 644 Part II SECTION 24(N).

§ SECTION 1-11-335. Budget and Control Board may provide to and receive from other governmental entities goods and services.

The respective divisions of the Budget and Control Board are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.

HISTORY: 1995 Act No. 145, Part II, SECTION 6, effective June 29, 1995.

§ SECTION 1-11-340. Board to develop and implement statewide Fleet Safety Program.

The Board shall develop and implement a statewide Fleet Safety Program for operators of state-owned vehicles which shall serve to minimize the amount paid for rising insurance

premiums and reduce the number of accidents involving state-owned vehicles. The Board shall promulgate rules and regulations requiring the establishment of an accident review board by each agency and mandatory driver training in those instances where remedial training for employees would serve the best interest of the State.

HISTORY: 1982 Act No. 429, SECTION 9.

CROSS REFERENCES: For regulations promulgated under authority of this section, see S.C. Code of Regulations R. 19-603 et seq.

§ SECTION 1-11-350. Repealed by 1992 Act No. 274, SECTION 1, effective March 10, 1992.

HISTORY: [1982 Act No. 429, SECTION 8].

Former SECTION 1-11-350 provided for an audit of the Division of Motor Vehicle Management and other agencies every three years by the Legislative Audit Council.